

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated October 6, 2006.

Claims 1-37 are the claims currently pending in the present application.

Claims 1, 12-18 and 20-37 are amended to clarify features recited thereby and to render their styles closer to United States patent practice style.

Claims 5-11 are objected to as being dependent from rejected base claims but are stated to be otherwise allowable.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Further, applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statement filed on January 28, 2004.

Rejection of Claim 37 under 35 U.S.C. § 112, First Paragraph

Claim 37 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement on the ground that the claim recites terms such as “first processing” and “second processing” and the like which are not understood as being a part of a computer.

Claim 37 is amended to clarify the features recited.

Rejection of Claims 12-17, 31-34 and 37 under 35 U.S.C. § 112, Second Paragraph

Claims 12-17, 31-34 and 37 are rejected under 35 U.S.C. § 112, second paragraph, on the ground that they are indefinite.

Claims 12-17, 31-34 and 37 are amended to clarify features recited thereby.

Rejection of Claims 1-4 and 18-37 under 35 U.S.C. § 101

Claims 1-4 and 18-37 are rejected under 35 U.S.C. § 101 on the ground that base claims 1, 20 and 37 are directed to non-statutory subject matter. Claims 2-4, 18 and 19 and claims 21-36 are rejected because of the alleged deficiency of their respective base claims.

Applicant respectfully submits that in view of United States Supreme Court and Federal Circuit case law, the claims are drawn to subject matter permissible under 35 U.S.C. § 101, and thus no amendment to claims 1, 20 or 37 are required as a matter of law or regulation.

However, in the interest of expediting prosecution of the present application, claims 1, 20 and 37 are amended such that they are now more clearly drawn to statutory subject matter, by more explicitly reciting the “tangible result” of the computer based process.

Conclusion

In view of the foregoing discussion, withdrawal of the rejections and allowance of the application is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Should the Examiner have any questions regarding the present Amendment or regarding the application generally, the Examiner is invited to telephone the undersigned attorney at the below-provided telephone number.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON December 27, 2006

Respectfully submitted,



MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700